

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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WANDA OVALLES, INDIVIDUALLY	:	
AND P.P.A A.O., AND WILSON OVALLES,	:	
	:	
Plaintiffs,	:	Case No. 3:14-CV-137-M-PAS
	:	
- against -	:	
	:	
SONY ELECTRONICS INC., BEST BUY CO., INC.,	:	
FOXCONN INTERNATIONAL, INC., AND JOHN	:	
DOE CORPORATIONS 1-4,	:	
	:	
Defendants.	:	
-----X	:	

PURSUANT TO LR Cv 9 DEFENDANT HEREBY GIVES
NOTICE TO THE COURT AND PARTIES THAT DEFEDANT
SEEKS EMERGENCY RELIEF

**DEFENDANT, SONY ELECTRONICS INC.'S
EMERGENCY MOTION TO EXTEND AND/OR
REINSTATE THE TIME WITHIN WHICH IT CAN
FILE AN OPPOSITION TO THE PLAINTIFFS'
MOTION FOR SANCTIONS – DOCUMENT 94**

Defendant, Sony Electronics Inc. ("SEL") hereby moves pursuant to Fed. R. Civ. P. 6(b)(1)(A) and LR Cv 9 for an order to reinstate and/or extend the time within which to file its opposition to the plaintiffs' Motion for Sanctions (Document 94) to September 30, 2016.

In support of its motion, SEL states that during the September 13, 2016 Conference the plaintiffs stated their intention to file a Motion for Sanctions for SEL's alleged failure to comply with the Court's June 29, 2016 Order by Friday September 16. The Court allowed the plaintiffs' oral motion to shorten the period of time within which the defendant could file its opposition to

Friday September 23, 2016.¹ The plaintiffs' motion, memorandum and supporting materials, amounting to a total of fifty-two pages, were not filed until 11:54 PM on Friday September . The plaintiffs request the draconian sanctions of a conditional default judgment, issue preclusion, and adverse inference jury instructions in their motion.

It is not fair or just that SEL be required to file its opposition to this serious motion within five business days. No urgency or emergency situation exists so as to justify shortening the period of time for SEL to file an opposition to the motion from the normal fourteen days allowed under LR Cv 7 to seven days, particularly given the serious ramifications even partial allowance of the motion could have upon SEL's right and ability to defend this case on the merits. No trial date or discovery cutoff date presently exists. SEL believes that it requires the full fourteen days allowed by the Local Rules to adequately and thoroughly respond to the lengthy contentions of fact and legal arguments made by the plaintiffs in their motion. To deprive SEL of the normal period of time to respond to the motion would be unjust under the circumstances.

WHEREFORE, the defendant requests that the Court allow its motion to reinstate the fourteen day period of time for it to file its opposition to the plaintiffs' motion up to an including Friday, September 30, 2016.

¹ SEL's counsel requested that the Court allow the standard period of time of fourteen days under LR Cv 7 for filing the opposition. Upon the Court's denial of that request, SEL's counsel made a request that SEL be allowed ten days, which the Court also denied.

SONY ELECTRONICS INC.

By its attorneys,

/s/ John F. Kelleher

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CERTIFICATE OF SERVICE

I, John F. Kelleher, hereby certify that a true copy of the above document was served upon the following attorneys of record for each party by email and regular mail on August 29, 2016:

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/s/ John F. Kelleher

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